

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
ANDERSON DIVISION

Leslie Jay Shayne a/k/a Les Shayne,

Plaintiff,

vs.

Discover Bank,

Defendant.

C/A No. 8:21-3544-BHH

ORDER AND OPINION

This matter is before the Court for review of the Report and Recommendation (“Report”) of United States Magistrate Judge Kevin F. McDonald, made in accordance with 28 U.S.C. § 636(b) and Local Rule 73.02 for the District of South Carolina. On January 26, 2022, Magistrate Judge McDonald issued a Report recommending that Defendant Discover Bank’s (“Defendant”) motion to dismiss (ECF No. 6) be granted, that Plaintiff Leslie Jay Shayne’s (“Plaintiff”) motions to remand (ECF Nos. 17 & 32) be denied, and that Defendant’s motion for sanctions (ECF No. 16) be granted. (ECF No. 59.)

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with this Court. *See Mathews v. Weber*, 423 U.S. 261, 270–71 (1976). The Court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the Magistrate Judge. 28 U.S.C. § 636(b)(1). The Court may also receive further evidence or recommit the matter to the Magistrate Judge with instructions. *Id.* The Court is charged with making a *de novo* determination of those portions of the Report to which specific objections are made.

Plaintiff filed multiple iterations of objections to the Report (ECF Nos. 68, 70, 77), as well as various other filings (ECF Nos. 72, 73, 79, 80, 82, 89), which the Court has carefully reviewed. Objections to the Report must be specific. Failure to file specific objections constitutes a waiver of a party's right to further judicial review, including appellate review, if the recommendation is accepted by the district judge. See *United States v. Schronce*, 727 F.2d 91, 94 & n.4 (4th Cir. 1984). Moreover, "A general objection to the entirety of the magistrate judge's report is tantamount to a failure to object." *Tyler v. Watts*, 84 F. App'x 289, 290 (4th Cir. 2003). In the absence of specific objections to the Report, this court is not required to give any explanation for adopting the recommendation. See *Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983).

Upon review, the Court finds that Plaintiff's rambling and conclusory objections are general, are largely unrelated to the dispositive portions of the Report, or merely restate his claims. (See ECF Nos. 68, 70, 77.) This Court has previously held that Plaintiff's claims are barred by the New Jersey Interpleader Action, *Discover Bank v. Greenwood House Home for the Jewish Aged, et al.*, No. 3:18-cv-16020-FLW-TJB (D.N.J.). See *Shayne v. Discover Bank*, No. CV 8:18-3057-BHH-KFM, 2019 WL 1866359 (D.S.C. Feb. 13, 2019), *report and recommendation adopted*, No. CV 8:18-3057-BHH, 2019 WL 1862418 (D.S.C. Apr. 25, 2019). Suffice it say, Plaintiff's objections provide no basis for this Court to deviate from the Magistrate Judge's recommended disposition. Therefore, after a thorough review of the Report, the record, and the applicable law, the Court finds that Plaintiff's objections are without merit and reveal no error in the Magistrate Judge's reasoning or conclusions.

Accordingly, the Report and Recommendation (ECF No. 59) is adopted and incorporated herein by reference. Defendant's motion to dismiss (ECF No. 6) is GRANTED and this action is DISMISSED *with prejudice*. Plaintiff's motions to remand (ECF Nos. 17 & 32) are DENIED. Further, Defendant's motion for sanctions (ECF No. 16) is GRANTED; Defendant is DIRECTED to submit to the Court, within fourteen (14) days, a detailed invoice setting forth its fees and costs for defending this matter as well as a proposed order enjoining Plaintiff from litigating additional cases in this Court regarding the frozen Discover accounts.

IT IS SO ORDERED.

/s/Bruce Howe Hendricks
United States District Judge

April 11, 2022
Greenville, South Carolina

NOTICE OF RIGHT TO APPEAL

The parties are hereby notified that any right to appeal this Order is governed by Rules 3 and 4 of the Federal Rules of Appellate Procedure.